

REMARKS

At the time of the Office Action, Claims 1-8, 10-12, 14-20 and 23-24 were pending in this Application. Claims 1-8, 10-12, 14-20 and 23-24 were rejected. Claims 1, 4, and 12 have been amended to further define various features of Applicant's invention. New Claim 25 has been added. Claims 9, 13 and 21-22 were previously cancelled. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-8, 10-12 and 14-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,549,977 issued to Robert W. Horst et al. ("*Horst*") in view of U.S. Patent Application Publication No. 2002/0138670 by Richard H. Johnson ("*Johnson*").

Applicant submits that the proposed *Horst-Johnson* combination fails to teach or suggest all elements of Applicant's amended claims. For example, regarding amended Claim 1, the proposed *Horst-Johnson* combination fails to teach or suggest:

if the particular intercepted I/O operation is identified as a write operation to a data portion of a disk RAID volume, returning a success status to the requesting application and **neither forwarding nor queuing the write operation for processing**, such that the write operation is not completed (emphasis added).

In the "Response to Arguments" section of the Office Action, the Examiner argues that *Horst* discloses forwarding a write operation to cache to be completed when a cache flush occurs, rather than forwarding the write operation directly to a disk drive for processing at that moment. (Office Action, pages 2-4). According to the Examiner, because the write operation is forwarded to cache and is thus "not completed at that moment in time and will not be completed for some time," *Horst* meets the limitation of "not forwarding the write operation for processing, such that the write operation is not completed," which was recited in Claim 1 prior to Applicant's current amendment.

Although Applicant does not necessarily agree with the Examiner's argument regarding *Horst*, Applicant has amended Claim 1 to recite “**neither forwarding nor queuing the write operation for processing**” an intercepted I/O operation identified as a write operation to a data portion of a disk RAID volume. Applicant submits that *Horst* does not disclose this element. Applicant also submits that *Johnson* does not disclose this element.

For at least the reasons above, the proposed *Horst-Johnson* combination does not teach or suggest all elements of amended Claim 1. Thus, Applicant respectfully requests reconsideration and allowance of amended Claim 1, as well as Claims 2, 3, 23, and 25 that depend from Claim 1.

In addition, for analogous reasons, Applicant respectfully requests reconsideration and allowance of amended independent Claims 4 and 12, as well as Claims 5-8, 10-11, 14-20, and 24 that depend therefrom.

New Claim 25

New Claim 25 recites:

25. The method of Claim 1, wherein neither forwarding nor queuing for processing a write operation to a data portion of a disk RAID volume comprises neither forwarding the write operation to a disk drive for processing nor to cache for later processing (emphasis added).

Neither *Horst* nor *Johnson* teach or suggest this element. According to the Examiner, *Horst* discloses forwarding a write operation to cache to be completed when a cache flush occurs. (Office Action, pages 2-4). Thus, *Horst* does not teach “neither forwarding the write operation to a disk drive for processing nor to cache for later processing.” *Johnson* also does not teach the limitation of new Claim 25.

Thus, Applicant respectfully requests consideration and allowance of new Claim 25.

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CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant authorizes the Commissioner to charge \$120.00 for a Petition for One Month Extension of Time to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Applicant believes there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2689.

Respectfully submitted,
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